

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 19, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SAMANTHA C.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

NO. 4:22-CV-5168-TOR

ORDER GRANTING PLAINTIFF'S
MOTION FOR EAJA ATTORNEY'S
FEES

BEFORE THE COURT is Plaintiff's Motion for EAJA Attorney's Fees (ECF No. 22). This matter was submitted for consideration without oral argument. The Court has reviewed the record and files herein and is fully informed. For the reasons discussed below, Plaintiff's Motion for EAJA Attorney's Fees (ECF No. 22) is **GRANTED**.

¹ Using Plaintiff's last initial only to protect his privacy.

1 **BACKGROUND**

2 On July 5, 2023, the Court granted the parties' Stipulated Motion for
3 Remand and entered an Order reversing and remanding the matter to the
4 Commissioner for further administrative proceedings pursuant to sentence four of
5 42 U.S.C. § 405(g). ECF No. 20. Judgment was entered for Plaintiff. ECF No.
6 21.

7 On October 3, 2023, Plaintiff moved for an award of attorney's fees
8 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). ECF
9 No. 22. Defendant does not object to the requested award. ECF No. 25.

10 **DISCUSSION**

11 The EAJA provides for an award of attorney's fees to private litigants who
12 both prevail in civil actions (other than tort) against the United States and timely
13 file a petition for fees. 28 U.S.C. § 2412(d)(1)(A)-(B). Under the EAJA, the Court
14 shall award attorney fees to the prevailing party unless it finds the government's
15 position was "substantially justified or that special circumstances make such an
16 award unjust." *Id.* § 2412(d)(1)(A). Fee requests shall be filed within thirty days
17 of final judgment and shall contain an itemized statement from counsel stating the
18 actual time expended and the rate at which fees and other expenses were
19 computed. *Id.* § 2412(d)(1)(B); *see also Yang v. Shalala*, 22 F.3d 213, 215-16 (9th
20 Cir. 1994).

1 Plaintiff request that the Court award attorney's fees in the amount of
2 \$5,033.39. ECF No. 22. Finding no basis to object, Defendant defers to the
3 Court's assessment of the requested award. ECF No. 25. Plaintiff's fee request is
4 based on an attorney fee rate of \$234.95 for 2.1 hours worked in 2022, and an
5 attorney fee rate of \$242.39 for 18.7 hours worked in 2023. ECF No. 23.

6 The Court's review of the file shows that the award requested for the hours
7 Plaintiff's counsel worked is reasonable. Accordingly, the Court will award
8 Plaintiff \$5,033.39 for attorney's fees.

9 **ACCORDINGLY, IT IS HEREBY ORDERED:**

10 1. Plaintiff's Motion for EAJA Attorney's Fees (ECF No. 22) is

11 GRANTED. The Commissioner is directed to pay EAJA fees in the
12 amount of \$5,033.39 for attorney's fees.

13 2. The EAJA award shall be made payable directly to Plaintiff (using her
14 full name), and mailed to Chad Hatfield, Attorney at Law, Hatfield Law
15 Office, 8131 W Klamath Ct, Ste D, Kennewick, WA 99336.

16 The District Court Executive is directed to enter this Order, enter judgment
17 accordingly, furnish copies to counsel, and **CLOSE** the file.

18 **DATED** October 19, 2023.



A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge